

HOUSE BILL 2760
By Strader

AN ACT to amend Tennessee Code Annotated, Section 49-5-413, relative to the background investigation of certain persons who may have contact with school children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-413, is amended by adding the following new subsection:

(d)

(1) Any person, corporation or other entity who enters into or renews a contract with a local board of education or child care program as defined in § 49-1-1102, must comply with the provisions of this subsection if the terms of such contract permit such a person or an employee of such person, corporation or other entity, or a subcontractor or employee of a subcontractor of such person, corporation or other entity to have direct contact with school children, or children in a child care program, or permit such person or employee access to the grounds of a school or child care center when children are present.

(2) Any person or employee described in subdivision (1) must supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation.

(3) The results of the criminal history records check required pursuant to subdivision (2) must have been returned to the appropriate local board of education or child care program as defined in § 49-1-1102 prior to the time such person or employee comes in direct contact with school children or to children in

a child care program or such person or employee enters the grounds of a school or child care center when children are present.

(4) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting such investigation of an applicant shall be paid by the person or employee whose criminal history is being checked or the employer of such person. The applicant shall be provided a copy of all criminal history records check documentation provided to the local board of education or child care program.

(5) In lieu of additional criminal history records checks for subsequent such contracts or subcontracts, the person or employee may submit copies of the person's or employee's initial criminal history records check documentation and shall not be required to pay any additional costs. Any local board of education or child care program may initially pay for or reimburse the person or employee for the costs of the investigation. Any local board of education or child care program may establish a policy authorizing payments for investigations conducted pursuant to this subsection.

(6)

(A) It is an offense for a person, corporation or other entity specified in subdivision (1), to knowingly require or permit a person or employee to have direct contact with school children or to children in a child care program or to require or permit such person or employee to enter the grounds of a school or child care center when children are present unless such employee has undergone a criminal history records check and the results of such check have been returned to the

appropriate local education agency or child care program as required by subdivision (3).

(B)

(i) Each contact a person or employee has with school children or children in a child care program in violation of this subsection shall constitute a separate offense.

(ii) Each person or employee who has contact with school children or children in a child care program in violation of this subsection shall constitute a separate offense

(C) A violation of this subsection is a Class A misdemeanor punished by a fine only of not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500). The proceeds from any fine imposed pursuant to this subsection shall be transmitted to the county clerk for deposit in a special account for use by the local education agency in which the offense occurred for child safety purposes.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it, and shall apply to all applicable contracts entered into or renewed on or after the effective date of this act.